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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 Abdul Howard,
10 Plaintiff
11 v.
12 State of Nevada et al.,
13 Defendants
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Case No.: 2:11-cv-01698-JAD-NJK

**Order Granting Plaintiff's Motion
to Extend Time [Doc. 40]**


15 This is a civil rights complaint by Plaintiff Abdul Howard against the State of Nevada et al.,
16 essentially alleging that an unintended interlineation in a plea agreement left the plaintiff unwittingly
17 saddled with a sex-offender label, preventing him from being granted parole and causing him to
18 spend extra time in prison. On July 23, 2013, Defendants Philip Kohn and Darren Cox filed a
19 Motion to Dismiss. Doc. 29. On July 29, 2013, Plaintiff successfully moved for an extension of
20 time to respond, and a new deadline of September 27, 2013 was set. Doc. 33. On September 6,
21 2013, Plaintiff moved for a second extension of time, asking for the deadline to be extended to
22 January 10, 2014, "to avoid holidays" and because he is allegedly waiting for documents from the
23 state court. Doc. 37. The Court denied this request on October 9, 2013, because Plaintiff had not
24 demonstrated how the additional documents were necessary to preparing his response. Doc. 39.
25 The Court allowed Defendant until October 31, 2013, however, to respond to the Motion to Dismiss.
26 *Id.*

27 In his third request, the Final Motion for Extension of Time, Doc. 40, Plaintiff "ask[s] for
28 postponement in order to deal with this Motion to Dismiss" and to prepare for the jury trial in which

1 he is scheduled to appear as a defendant on October 22, 2013. *Id.* at 1, 3. He requests a November
2 31, 2013 deadline. *Id.* at 1. Defendant has already received two extensions, which collectively
3 moved his deadline from August 9, 2013, to October 31, 2013. *See* Doc. 33; Doc. 39. Plaintiff's
4 deadline for responding to the Motion to Dismiss has been extended by almost three months. The
5 Court recognizes, however, that appearing as a criminal defendant in a federal jury trial is an
6 extenuating circumstance. Further, November has only 30 days, and the first day of December to
7 fall on a weekday is December 2. Accordingly, the Court grants Plaintiff's request to extend his
8 response deadline in the instant case until December 2, 2013. This affords him a total of nearly five
9 months to respond to the Motion to Dismiss. The Court emphasizes that **this is the final extension**
10 **Plaintiff will receive for this response brief** and that Plaintiff's response must be filed by
11 December 2, 2013, or it will not be considered.

12 It is hereby ORDERED that Plaintiff's third request for extension [**Doc. 40**] is **GRANTED**.
13 Plaintiff's response to Defendants' motion to dismiss [**Doc. 29**] must be filed by December 2, 2013.
14 The Court again directs the Plaintiff to the minute order dated July 23, 2013 [**Doc. 30**], cautioning
15 the Plaintiff pursuant to *Klinge v. Eikenberry*, 849 F. 2d 409 (9th Cir. 1988), and *Rand v. Rowland*,
16 154 F.3d (9th Cir. 1998), that this is a dispositive motion that may terminate either some portion or
17 all of this lawsuit if granted. Plaintiff should review that minute order notice carefully as it contains
18 important information about what plaintiff needs to do to oppose the motion.

19 DATED October 18, 2013.

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23 JENNIFER A. DORSEY
24 UNITED STATES DISTRICT JUDGE
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